

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

GEORGE WHALEY, JR.,

Plaintiff,

v.

MIDLAND FUNDING, LLC,

Defendant.

No. 4:20-CV-01681

(Judge Brann)

(Chief Magistrate Judge Mehalchick)

**ORDER**

**MARCH 9, 2021**

Plaintiff filed the instant action on September 16, 2020, and it was jointly assigned to the undersigned and to a magistrate judge. Upon designation, a magistrate judge may “conduct hearings, including evidentiary hearings, and . . . submit to a judge of the court proposed findings of fact and recommendations.”<sup>1</sup> Once filed, this report and recommendation is disseminated to the parties in the case who then have the opportunity to file written objections.<sup>2</sup>

On February 1, 2021 Chief Magistrate Judge Karoline Mehalchick, to whom this matter is jointly assigned, issued a thorough report and recommendation recommending that the complaint be dismissed for lack of jurisdiction.<sup>3</sup>

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<sup>1</sup> 28 U.S.C. 636(b)(1)(B).

<sup>2</sup> 28 U.S.C. 636(b)(1).

<sup>3</sup> Doc. 5.

No objections to the report and recommendation have been filed. For portions of the report and recommendation to which no objection is made, the Court should, as a matter of good practice, “satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”<sup>4</sup> Regardless of whether timely objections are made by a party, the District Court may accept, not accept, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.<sup>5</sup>

Because I write solely for the parties, I will not restate the facts, but will instead adopt the recitation of facts as set forth by the magistrate judge. I have conducted a de novo review here and found no error. Furthermore, after the Report and Recommendation was issued, Plaintiff filed a letter informing the Court that the “case has been settled as the judgment against [Plaintiff] has been vacated.”<sup>6</sup>

**AND NOW, IT IS HEREBY ORDERED** that:

1. Chief Magistrate Judge Mehalchick’s Report and Recommendation (Doc. 5) is **ADOPTED in full**.
2. The complaint is dismissed.

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<sup>4</sup> Fed. R. Civ. P. 72(b), advisory committee notes; *see also Univac Dental Co. v. Dentsply Intern., Inc.*, 702 F.Supp.2d 465, 469 (M.D.Pa.2010) (*citing Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir.1987) (explaining that judges should give some review to every report and recommendation)).

<sup>5</sup> 28 U.S.C. § 636(b)(1); Local Rule 72.31.

<sup>6</sup> Doc. 6.

3. The Clerk is directed to close the case file.

BY THE COURT:

*s/ Matthew W. Brann*

Matthew W. Brann  
United States District Judge